

III. Remarks/Arguments

This Amendment is in response to the final Office Action mailed February 16, 2006. In the Office Action, a shortened statutory period of three (3) months was specified so that the due date for the response is on or before May 16, 2006.

A short review of the status of the claims is appropriate. The application was filed with claims 1- 26. The Examiner requested an election between "patentably distinct species of the claimed invention", and the Applicant made a provisional election directed to Figures 1-8 and existing claims 1-13. New claims 27-30 were added to further claim the invention. Independent claim 27 specified *exactly two punches*, independent claim 28 specified that the punches are *in line*, independent claim 29 was a method claim directed to use of the dual hole punch, while dependant claim 30 further defined the method.

Claims 29 and 30 were withdrawn by the Examiner as being independent or distinct from the invention originally claimed. Applicant has noted the withdrawn status of claims 29 and 30 in the claim listing.

Claim 28 was objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. Claim 28 has been cancelled.

Claim 27 was rejected under 35 U.S.C. 112, first paragraph for failing to comply with the written description. Claim 27 has been cancelled and its limitation of "exactly two punches" has been modified to read "only two punches" and added to the claim language of claim 1.

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Rall (U.S. Patent No. 5,611,254). Claims 10-13 were rejected under 103(a) as being unpatentable over Rall in view of Yerkes (U.S. Patent No. 2,524,582). Claim 1 has been modified to

include the limitations of "only two punches". Claim 6 has been modified to include the limitation of dual punches having centers "positioned two and three quarters inches" apart.

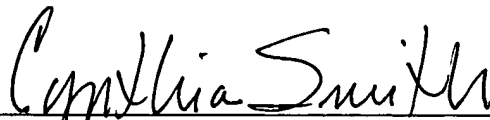
IV. Conclusion

As claim 1 has been modified to include the limitations of "only two punches". Applicant respectfully submits that claim 1 and its dependant claims 2-13 are not anticipated by Rall nor are they unpatentable over Rall in view of Yerkes. Accordingly, further and favorable reconsideration by the Examiner is therefore urged. In addition, as discussed during an examiner interview on May 10, 2006, the Applicant is filing a Request for Continued Exam to facilitate an additional prior art search directed to hole punch devices having only two non-circular punches.

With the foregoing in mind, applicant respectfully requests that the Examiner place the present application in condition for allowance.

Should the Examiner be of the opinion that further amendments or response is required, the Applicant encourages the Examiner to contact the undersigned attorney at the telephone number set forth below.

Regards,



Cynthia L. Smith
C. Smith & Associates
Ste. #4301
Chicago, Illinois 60611
(773) 562-5438 (Telephone)
(312) 984-0146 (Facsimile)
Registration No. 53,608